

RCE/3FW

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ATTORNEY DOCKET NO. 70040132-1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Seela Raj D. RAJIAH, et al.

Serial No.: 10/799,850

Examiner: Ko, Tony

Filing Date: March 12, 2004

Group Art Unit: 2878

Title: A METHOD AND APPARATUS FOR AUTOMATIC MODULATION OF PHOTO-EMITTER BRIGHTNESS  
IN AN OPTICAL ENCODER

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114**

Subsection (b) of 35 U.S.C. 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Sir:

This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application.

**NOTE:** 37 CFR 1.114 is effective on May 20, 2000. If the above application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under CFR 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 off. Gaz. Pat. Office 47 (Apr. 11, 2000), which Established RCE practice.

**Submission under 37 CFR 1.114**

☐ Previously submitted:

- ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered).
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- ☐ Other:

☒ Enclosed:

- ☒ Amendment/Reply
- ☐ Affidavit(s)/Declarations(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

**Miscellaneous**

- ☐ Suspension of action is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months.  
The fee for this Suspension is (37 CFR 1.17(i)) \$130.00.
- ☐ Other:

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01 FC:1031 790.02 DA

RCE filing fee \$790.00

- ☐ A Petition for Extension of Time
- |                          |              |           |
|--------------------------|--------------|-----------|
| <input type="checkbox"/> | One month    | \$120.00  |
| <input type="checkbox"/> | Two months   | \$450.00  |
| <input type="checkbox"/> | Three months | \$1020.00 |
| <input type="checkbox"/> | Four months  | \$1590.00 |

Please charge to Deposit Account **50-3718** the sum of \$790.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-3718** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

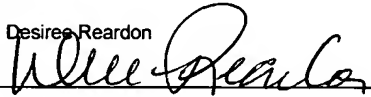
Date of Deposit: 06/06/06

OR

- ☐ I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below.

Date of Facsimile:


Typed Name: Desiree Reardon

Signature: 

Respectfully submitted,

Seela Raj D. RAJIAH, et al.

By

  
John P. Wagner, Jr.  
Attorney/Agent for Applicant(s)

Reg. No. 35,398

Date: 06/06/06

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